

NAVAL INSPECTOR GENERAL

REPORT OF INVESTIGATION

**Subj: SENIOR OFFICIAL CASE 201101580; ALLEGED USE OF GOVERNMENT
COMPUTER TO VIEW PORNOGRAPHY BY DR. RONALD G. DRIGGERS**

25 Jun 12




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Preliminary Statement

1. On 24 May 2011, the Naval Criminal Investigative Service (NCIS) notified the Naval Inspector General (NAVINSGEN) that they had opened a criminal investigation of Dr. Ronald Driggers following the discovery of suspected child pornography on Dr. Driggers's government laptop computer. On 1 May 2012 NCIS concluded their investigation of Dr. Driggers having found no evidence of child pornography. During the course of their investigation, however, NCIS did establish that Dr. Driggers viewed adult pornography on his government issued laptop computer. A copy of the NCIS investigation was provided to NAVINSGEN on 4 June 2012.

2. To address the NCIS finding against Dr. Driggers, we examined his responsibility to comply with Joint Ethics Regulations. Accordingly, we formulated the following allegation for investigation:

Allegation: That Dr. Ronald G. Driggers wrongfully viewed adult pornography using his government issued laptop computer in violation of the Joint Ethics Regulations, Chapter 2, Standards of Ethical Conduct.

Conclusion: The allegation is substantiated.

Findings of Fact

3. On 19 April 2011, Dr. Driggers submitted his government laptop computer to the Information Technology (IT) Department at his place of work, the Naval Research Laboratory (NRL), due to a technical malfunction.

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4. On 16 May 2011, when his laptop was examined by NRL IT department personnel to determine the cause of its malfunction, numerous images of what appeared to be adult pornography and one (1) image of suspected child pornography were found. Upon finding these pornographic files on Dr. Driggers's laptop, the IT personnel immediately notified the (b) (6), (b) (7)(C) of NRL, (b) (6), (b) (7)(C), USN; (b) (6), (b) (7)(C) in turn notified NCIS.

5. On 17 May 2011, NCIS opened their investigation to determine if Dr. Driggers was in possession of child pornography.

6. On 19 October 2011, several images from Dr. Driggers government computer were submitted to the National Center for Missing and Exploited Children (NCMEC) and compared with their Child Recognition and Identification System (CRIS) database with negative results.

7. On 29 November 2011, Dr. Driggers was interviewed by NCIS. In his voluntary statement to NCIS, Dr. Driggers said:

I have never viewed pornography while at work. I have viewed pornography while on travel and at night during non-work hours.

It was my poor judgment to use government equipment. I am remorseful for this and will never do it again.

I thought I had erased the history in the computer; along with any associated files of pornography. I visited several websites using the government computer that I can recall. www.89.com and www.hanksgalleries.com

I have never viewed or searched for child pornography. I consider child pornography any sexual image of a person that is under the age of eighteen years old.

The images that I view are persons over the age of eighteen. The websites that I visit may have a section called "TEENS" but have statements that declare the models to be at least eighteen years old.

Personally, I feel that the ages of the images I viewed are at least eighteen years old. Sometimes while viewing sites pop up images/movies occur. At no time had a pop up images/movies of under age or child pornography had occurred.

I visit free sites. I am not a subscriber or pay for any pornography. I don't trade pornography either. I am a private person. I view pornography at night and sometimes while on travel. I currently view pornography about 1 a week.

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8. On 4 May 2012, NCIS presented their investigative findings to (b) (6), (b) (7)(C), Sex Offense and Domestic Violence Section, Office of the United States Attorney for the District of Columbia. (b) (6), (b) (7)(C) declined judicial action. NCIS closed their investigation and turned the case over to NAVINSGEN for its administrative review and determination of non-criminal wrongdoing by Dr. Driggers.

Applicable Standard

9. DoD 5500.07-R, Joint Ethics Regulation, Chapter 2, Standards of Ethical Conduct; Section 3. DoD Guidance:

2-301. Use of Federal Government Resources

b. Other Federal Government Resources. Other than the use of Federal Government communications systems authorized in accordance with subsection 2-301.a. of this Regulation, above; the use of Federal Government resources as logistical support to non-Federal entity events in accordance with subsection 3-211 of this Regulation, below; and the use of Federal Government time authorized in accordance with subsection 3-300 of this Regulation, below; **Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only, except as follows:**

(1) Agency Designees may permit their DoD employees to make limited personal use of Federal Government resources other than personnel, such as typewriters, calculators, libraries, and other similar resources and facilities, if the Agency Designee determines the following:

(a) The use does not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(b) The use is of reasonable duration and frequency, and made only during the DoD employee's personal time such as after duty hours or lunch periods;

(c) The use serves a legitimate public interest (such as supporting local charities or volunteer services to the community; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing);

(d) The use does not put Federal Government resources to uses that would reflect adversely on DoD or the DoD Component (such as involving commercial activities; unofficial advertising, soliciting or selling; violation of statute or regulation; and other uses that are incompatible with public service); and

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(e) The use creates no significant additional cost to DoD or the DoD Component.

Analysis

10. Dr. Driggers admitted that he viewed adult pornography on his government issued laptop computer. Doing so is a violation of the Joint Ethics Regulations which stipulates that Federal Government resources, like computer resources, "... shall be used by DoD employees for official purposes only..." with limited exceptions. Dr. Driggers did not have an official purpose to view adult pornography on his government issued laptop computer and we found no applicable exception for him having viewed adult pornography on his government issued laptop computer.

Conclusion

11. The allegation is substantiated.

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